

## REMARKS

The examiner issued an Office Action dated July 11, 2007 indicating that all claims were anticipated by Barnett 5,857,948.

Applicants respectfully point out significant differences between the '948 and the applicant's invention.

The '948 is titled "Self- Conformable Head Support" .... "for assisting a person for sit- up excercises".....

The '948 summary of deficiencies in the prior art which the '948 remedies is "These prior art devices are in some cases somewhat painful to use and in others not sufficiently conforming to provide the desired comfort and ease of use as an abdominal muscle excercising support"

The '948 is claimed as

"...to provide a conforming rigid support for the cervical during abdominal excercises...."

There are superficial similarities to the applicant's invention, but the design intent is very different. The mechanical characteristics of applicant's device have been developed for a completely different set of benefits and uses for the user.

The applicant's invention is a neck trainer for training and stretching the neck muscles themselves. The dimensions and properties of the trainer give it functionality that is unprecedented in the field of neck training and rehabilitation. Please see testimonial letters included in a separate package sent to your office.

Figure 9. of the application shows the cross section of the neck trainer as it is positioned to resiliently apply forces to the lower skull, neck, and upper spinal region.

Excerpts from the application support the uniqueness of the design and its function:

Line 15 page 15: "Another preferred embodiment of the present invention uses tractioning forces to reduce compressive forces on the neck tissues during training and stretching. The tractioning forces result from a bladder of a preferred embodiment of the present invention. Pressure from the bladder is directed to the under sides of the skull and jaw while training or

stretching. As the left side muscles pull the neck and skull up and over the device of a preferred embodiment, the device applies downward forces to the shoulder and upward forces to the neck and lower portion of the skull. The novel tractioning function occurs in all directions of movement.

The tractioning effect achieved by the device of a preferred embodiment of the present invention is beneficial and contrasts sharply with the conventional method of using a soft rubber ball against a wall. Returning to the example of leftward lateral flexion above, as the head tips from a neutral position toward the wall compressing a prior art ball, the ball typically rolls up and toward the top side of the head. The force vectors between the ball and the top side of the head direct compressive forces to the cervical spine.

The resilient bladder of the present invention also substantially provides a fulcrum effect. As the head goes up and over the resilient bladder, the head pivots against the bladder resulting in even more tractioning forces. The combined effects of tractioning, and pivoting about a fulcrum permit active stretching of the tissues on one side of the neck while substantially avoiding compression of the corresponding tissues on the opposite side of the neck."

Also excerpted: line 1 page 26 "The novel tractioning function occurs in all directions of movement. As shown in Figure 9. the contact surface or pressure area 50 between the device on one hand and the shoulders, neck and skull creates tractioning forces that tend to pull the skull up and away from the shoulders."

Applicants believe that these excerpts and the application in general supports the claims as amended as being distinctly novel and beneficial relative to the '948.

Applicants respectfully request examiner Mathew to consider the amended independent claims in light of the discussion above.

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